

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

QUINTRELL MARTIN

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CR. NO. 2:06cr155-MHT

**NOTICE OF WITHDRAWAL OF ARGUMENT SEEKING TO
APPLY JUVENILE DRUG CONVICTION TO ARMED CAREER CRIMINAL ACT**

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and seeks to withdraw argument seeking to establish Martin's juvenile drug conviction as a predicate felony for application of Title 18, United States Code, Section 924(e). As grounds, the United States sets forth the following:

Facts

On April 19, 2007, this Honorable Court heard arguments regarding the sentencing of Defendant Quintrell Martin. During the hearing, the United States argued that Martin's 1995 juvenile conviction for unlawful distribution of controlled substances should qualify as a predicate offense for application of the Armed Career Criminal Act (ACCA) - Title 18, United States Code, Section 924(e). After further consideration of the law and facts of this case, the United States respectfully seeks to withdraw its argument that Martin's juvenile conviction for distribution of a controlled substance (Case No. JU 1991-970.08) qualifies as a predicate offense for ACCA purposes.

Despite abandoning Martin's juvenile drug distribution crime, the United States alleges the following offenses trigger the application of the ACCA to Martin's case:

- 1) 1991 Conviction for Burglary 1st Degree - JU 1991.970.01

2) 1998 Conviction for Theft of Property 1st Degree - CC 1998-135

3) 2000 Conviction for Robbery 3rd Degree - CC - 2000-1140

The United States alleges that these three felony offenses serve as predicate offenses under the ACCA because they all qualify as “violent felonies” pursuant to Title 18, United States Code, Section 924(e)(2)(B).

Respectfully submitted this 23rd day of April, 2007.

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UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Richard Keith, Esquire.

Respectfully submitted,

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